

D2253

**Remarks**

Reconsideration of remaining claims 1-3, 8-12, 16 and 20-23 is respectfully requested.

In the Office action dated December 10, 2003, the Examiner objected to the specification, rejected claims 1-18, 20-22 and 24-37, objected to claim 19 (as depending from a rejected base claim), and found claim 23 in condition for allowance.

Applicants have amended the specification to overcome the Examiner's objections, as noted above. Additionally, applicants have amended independent claims 1 and 16 to incorporate the allowable subject of dependent claim 19 (related to the use of power spectrum density estimations to determine an "active" sub-band). Appropriate dependent claims (i.e. claims 2, 3 and 8-12) have also been amended, where necessary in light of the amendment to claim 1. Similarly, it is believed that the amendment to independent claim 16 provides for the acceptance of dependent claims 20-22.

In accordance with these amendments, applicants believe that the case is now ready to issue and respectfully request an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

Marc W. Kauffman et al.

By: Wendy W. Koba  
Wendy W. Koba  
Reg. No. 30509  
Attorney for applicant  
610-346-7112

Date: 3/10/04